

EXHIBIT D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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ANDREA TANTAROS,

Plaintiff,

Index No. 157054/2016

-- against --

FOX NEWS NETWORK, LLC, ROGER
AILES, WILLIAM SHINE, DIANNE
BRANDI, IRENA BRIGANTI, and SUZANNE
SCOTT,

**AFFIDAVIT OF
MICHELE BERDY, Ph.D.**

Defendants.

-----X
STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

MICHELE BERDY, Ph.D., being duly sworn deposes and says:

1. I am a clinical psychologist, licensed to practice in the State of New York since February 1, 1980.

2. From late 2013 through early 2016, Plaintiff Andrea Tantaros ("Andrea") was a patient of mine. I am writing this Affidavit pursuant to an explicit waiver of the psychotherapist-patient privilege by Andrea. Andrea's waiver is limited to information she provided to me about events that transpired while she was employed by Defendant Fox News Network, LLC ("Fox News"). I note that while Andrea initially came to me to deal with the after-effects of a family tragedy, by sometime in 2014, over time our therapy sessions also dealt with helping Andrea deal with her terribly upsetting experiences at Fox News.

Fox News which she shared with me. Even without my notes, I recall the names Roger Ailes, Bill Shine, Bill O'Reilly, Irena Briganti and Suzanne Scott as central to Andrea's concerns.

4. I also want to make clear that Andrea did not reach out to me about her present case against Fox News. After reading about it in the media, and also reading reports that Fox News was denying her claims, I emailed Andrea to tell her that I knew that she was telling the truth because she had told me, in a therapeutic setting where she would have had no motive to lie, about the conduct of Mr. Ailes, Mr. Shine, Mr. O'Reilly, Ms. Briganti, and others at the time, or very shortly after, the harassment, retaliation and pervasive hostile and sexualized workplace conditions took place.

5. In 2014, Andrea told me about meetings with Mr. Ailes in his office where he engaged in highly inappropriate and offensive behavior. I have a very clear recollection that Andrea was very upset that Mr. Ailes had (a) unsuccessfully asked her to turn around for him so he could view her posterior, (b) unsuccessfully asked her to hug him, (c) asked her if she planned to marry, (d) discussed his negative views about marriage, (e) asked her questions about the sexuality and sexual relationships of other people working for Fox News, and (f) made insulting comments about a number of women working for Fox News. I recall that in 2015, Andrea called me on another occasion, and told me that she was distraught and humiliated because Mr. Ailes had told her in front of two of her peers that she should be wearing a tighter dress. She told me that his deplorable predatory and public sexual harassment of her made her feel disgraced and ashamed, and that she was very concerned about the perception and reputational damage it caused her among her colleagues who witnessed it.

6. I also recall that, on another occasion, Andrea told me that she had just been informed that she was, without warning or explanation, being moved from “The Five” to “Outnumbered.” She further told me that it was abundantly clear to her that she was being punished for not acceding to Mr. Ailes’ request that she turn around so he could view her posterior.

7. Andrea shared with me on multiple occasions that Mr. Ailes was retaliating against her by directing the person in charge of Fox News’s public relations department, Irena Briganti, to withhold all substantive support for her to promote and build her public image. Over time, Andrea told me that it had become abundantly clear that Ms. Briganti was not only following Mr. Ailes’s directions not to provide any public relations assistance to Andrea, but that he was doing so with great animus. I recall Andrea telling me that the sole Briganti-arranged interview following her rebuffing Mr. Ailes’s wholly inappropriate conduct consisted of a reporter asking her highly offensive questions, including questions about her breasts and the public’s perception of same. Subsequently, Andrea relayed to me her outrage and embarrassment about the manner in which the interview was conducted, and how emotionally distraught she was over the story when it was published.

8. In early 2015, I received a message from Andrea, sobbing on the telephone, and asking for an emergency phone session. When I spoke with her, she told me that she had been summoned to a meeting with Mr. Ailes where he brought her to tears because he (a) discussed how he thought she would look in a bikini, (b) asked her pointed questions about why she had broken up with her former boyfriend, (c) expressed his view that Andrea was a mean person who had just taken advantage of her former boyfriend and, (d) told her that she “uses men.” Andrea

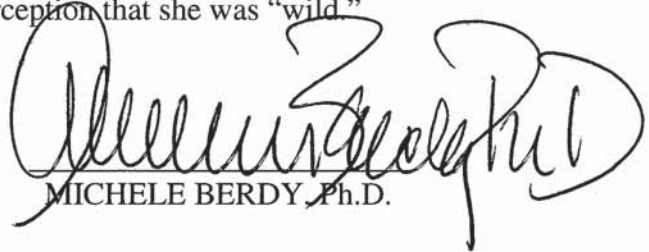
described the meeting as the most traumatic experience of her professional career, and that she was on the verge of breaking down on the air after his vindictive and emotionally torturous treatment of her.

9. Over the course of many months (2014 - 2016), Andrea relayed to me on multiple occasions instances of Mr. Ailes' demeaning and overtly predatory behavior toward her, as well as the abusive conduct of Fox News's public relations department. Andrea also repeatedly told me about a significant number of meetings that she had with Mr. Shine in which she informed him about Mr. Ailes's treatment of her and the Ailes-led retaliation that followed. I recall Andrea being shocked and devastated after a meeting with Mr. Shine in which he told her that she needed to stop complaining about Mr. Ailes's sexual advances towards her, and his subsequent retaliation. He then followed this directive by telling her that she must forget about what Mr. Ailes had done to her, instructing her: "Don't fight this" because Ailes "is a very powerful man," and that she needed to "let this one go." Andrea found Shine's warning "not to fight this" as both very threatening and extremely disturbing. On another occasion, I recall Andrea pleading to Mr. Shine for relief from retaliation by Ailes and Briganti by asking him to "please let me do my job."

10. In 2016, I recall Andrea telling me that after multiple futile meetings with Mr. Shine, she sought relief from the retaliation and the improper behavior at Fox by requesting a meeting with Suzanne Scott. Yet again, her complaints were ignored. She repeatedly expressed to me her increasing frustration that the behavior and hostile conditions at Fox was continuing unabated.

11. In 2015 and 2016, I recall Andrea expressing how upset she was by the hyper-sexualized and exploitative conditions at Fox News, including the inappropriate behavior towards her by a number of male guests on "Outnumbered."

12. Finally, I also recall a number of occasions when Andrea complained to me about recurring unwanted advances from Bill O'Reilly, which included an invitation to his "very private" beach house, and comments about his perception that she was "wild."



MICHELE BERDY, Ph.D.

Sworn to before me this
15th day of September, 2016



Notary Public

Evan Solomon
Notary Public, State of New York
No. 01SO6332038
Qualified in Kings County
Commission Expires October 26, 2019